



**END OF SESSION — SF 489 — FIREWORKS LEGISLATION**

**Description:** [Senate File 489](#) legalizes the sale and use of consumer fireworks and novelties. Sales would only be allowed from June 1 or June 13 (depending on the type of sales structure) through July 8 of each year, and December 10 through January 3 each year. The time allowed for usage of fireworks is also restricted in the Act. The State Fire Marshal Division of the Department of Public Safety (DPS) is directed to adopt emergency rules to implement the Act and enforce all laws and rules relating to this Act. Local governments would be able to opt out of allowing the use of fireworks in their jurisdictions, but they could not opt out of allowing the sales of fireworks.

Revenues from seller license fees and wholesaler registration fees ranging from \$100 to \$1,000 are to be deposited in the Consumer Fireworks Fee Fund under the control of the State Fire Marshal for administration and enforcement. The Act also establishes simple misdemeanors for violation of various requirements.

**Correctional Impact:** There are no estimates available on how many simple misdemeanor tickets will be written for violations of this Act, but based upon misdemeanors issued under current law, it is estimated that the correctional impact will be negligible.

**Fiscal Impact:** The estimated expenditures for the State Fire Marshal Division for FTE positions and necessary support to establish and enforce this Act are \$141,000 for FY 2017 and \$181,000 for FY 2018. These costs are to be funded from the Consumer Fireworks Fee Fund. The number of license applications to be filed is not known at this time. The timing of license revenue being received by the State Fire Marshal Division in relation to the need for funds to establish a consumer fireworks program and implement the Act may be a concern.

Sales tax revenue deposits to the General Fund are estimated at \$1.1 million in FY 2017 and \$1.5 million in FY 2018. The amount from sales tax revenue allocated to the Secure an Advanced Vision for Education (SAVE) Program is estimated to be \$178,000 in FY 2017 and \$248,000 in FY 2018. Local Option Sales Tax (LOST) is estimated to be \$155,000 in FY 2017 and \$216,000 in FY 2018. **Table 2** shows the estimated sales tax revenue through FY 2021.

**Table 2 – Estimated Revenue**

<b>Fiscal Year</b>	<b>Estimated Total Sales</b>	<b>Estimated Sales Tax Revenue</b>	<b>Estimated SAVE Revenues</b>	<b>Estimated LOST Revenues</b>
2017	\$17,796,750	\$890,000	\$178,000	\$155,000
2018	24,773,000	1,239,000	248,000	216,000
2019	25,640,000	1,282,000	256,000	223,000
2020	26,537,000	1,327,000	275,000	231,000
2021	28,482,000	1,424,000	285,000	239,000

**Enactment Date.** The Act was approved by the General Assembly on April 18, 2017, and is currently awaiting approval by the Governor. If enacted, the legislation would take effect immediately.

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